

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00364-MR**

DAMON MANDELL MOBLEY,

Plaintiff,

vs.

JUSTIN HOOTS, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court sua sponte.

The pro se incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Henderson County Detention Facility (HCDF). [Doc. 1]. According to the Henderson County Sheriff's Office (HCSO), the Plaintiff is no longer in HCSO's custody; this information was confirmed on the HCSO's mobile app. [See Doc. 8 at 1, n.1].

On March 17, 2022, the Court issued an Order notifying the Plaintiff that he had 10 days to update his address of record and inform the Court whether he intends to proceed with this action. [Id.] He was cautioned that the failure to timely comply with the Order would result in this action's dismissal without prejudice and without further notice. [Id. at 2]. The Order, which was mailed to the Plaintiff's address of record, was returned to the

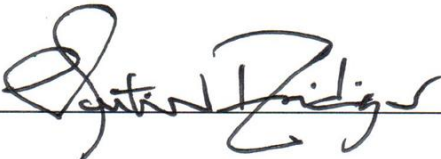
Court as undeliverable on April 4, 2022 with a notation "RTS *Not Here.*"
[Doc. 9].

The Plaintiff has failed to comply with the Court's March 17 Order, and the time to do so has expired. The Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED. Signed: April 11, 2022



Martin Reidinger
Chief United States District Judge

